

## **REMARKS**

**The Examiner indicated that Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

In response, the Applicant has rewritten Claim 19 in independent form including all of the limitations of the base claim and any intervening claims. The Applicant respectfully submits that the claim is now in condition for allowance.

**The Examiner rejected claims 1-5, 13, 14, and 16-18 under 35 U.S.C. 103(a) as being unpatentable over BIASONI (2,923,107) in view of BURHOE (4,783,872).** The Examiner further stated that the shape of the support member would have been an obvious matter of design choice to make the different portions of the supporting member of whatever form or shape was desired or expedient and that a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. **In response,** Applicant has amended **independent claims 1 and 13** by more clearly defining the limitation of the connector mechanism between the resurfacing disk and the disk mount. Applicant submits that the prior art does not teach or suggest the device claimed in these amended claims.

With reference to the arguments presented by the Examiner, the Applicant respectfully disagrees with the Examiner's statements that BIASONI ('107) discloses the claimed invention except for the support being a disk shape, that the resurfacing

devices are sandpaper and that the resurfacing devices are connected to the lower support with disks of interconnectable hook and loop fastener material. Applicant submits that Biasoni discloses resurfacing devices which are grinding stones (20) not sandpaper. Furthermore, Biasoni makes no disclosure of the use of hook and loop fasteners for connecting the resurfacing device to the machine - Biasoni simply states in column 2, lines 71-72 that the grinding stones (20) are removably secured to the holder (19). With respect to claims 1 and 13, Applicant submits that in the Biasoni device, the spindle 10 is the equivalent of Applicant's disk mount as Biasoni's spindle is the component to which the resurfacing member, i.e. the shoe 14 and holder 19, is connected. As many be seen from the attached marked up copy of Fig. 6, the spindle 10 passes through an aperture in the shoe 14 and a nut 15 keeps the shoe 14 in place. A plurality of heavy rubber layers 18 are connected to the shoe 14 by a nut/bolt or pin (marked "X" by the Applicant) and these layers 18 are secured to the holder 19 by a threaded bolt (marked "Y" by the Applicant). The shoe 14 is rotated by the spindle 10 and, because the shoe 14 is connected to the holder 19 by bolts "X" and "Y", the holder 19 rotates and the grinding stones 20 attached thereto remove material from the floor surface. A heavy coil spring 23 is disposed between the holder 19 and the shoe 14 and a casing 7 surrounds all of these components. Any flexibility of the resurfacing device as it travels over the floor surface is provided by the spring 23 and layers 18. The upper disk (shoe 14) is held rigidly in place and the lower disk (holder 19) can move slightly relative to the upper disk. Biasoni does not teach or suggest connecting the upper disk (shoe) to the disk mount by way of a plurality of pins inserted through the resilient rubber grommets. Biasoni teaches using a nut 15 to secure the resurfacing disk to the

disk mount. This is a rigid, inflexible connection. There is no teaching or suggestion in this patent of the use of snap-fitted pins received within flexible, deformable grommets.

Burhoe (4,783,872) discloses a floor polisher which would therefore typically be run only over a substantially smooth surface. Burhoe makes mention of the use of sanding pads but does not disclose any mechanism which would allow the resurfacing disk 40 to adjust in position, either vertically or laterally, relative to the shaft 82. As may be seen most clearly in Fig. 3 of Burhoe, the disk mount or shaft 82 is fixed in place and the resurfacing pad 40 is fixedly connected thereto by a nut 86 - there is no provision of springs, resilient layers or any other means for allowing the resurfacing disk 40 to move up or down or laterally with respect to the shaft 82. There is further no teaching or suggestion of the use of pins and flexible, deformable grommets for connecting the resurfacing pad to the shaft. Applicant respectfully submits that these two references teach away from the present invention in that the connection between the resurfacing disk and disk mount as by BIASONI and Burhoe are rigid and do not allow the upper disk, to adjust either vertically or laterally in position relative to the bottom of the disk mount. Applicant's connection mechanism allows for the upper disk to alter position vertically and laterally as the resurfacing device travels over the floor surface because the grommets deform. Applicant's connection mechanism enhances the resurfacing disk's ability to follow the contours of the floor surface, is relatively inexpensive and, if a grommet fails, it can be quickly and easily replaced. There is no teaching or suggestion in either BIASONI or Burhoe to use a flexible connection between the resurfacing disk and the disk mount and more specifically to using pins and flexible, deformable grommets to connect these components. Applicant therefore respectfully submits that

the present invention is not obvious in light of these references and requests the withdrawal of the rejection of claims 105, 13, 14 and 16-18 under 35 U.S.C. 103(a) as being unpatentable over Biasoni in view of Burhoe.

**The Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Biasoni, in view of Burhoe as applied to claim 13, and further in view of Brennecke (2,713,757).** Claim 15 of the instant application depends from claim 13, which claim Applicant respectfully submits is not obvious over Biasoni in view of Burhoe. Brennecke teaches the use of a floor resurfacing device with a sponge backing disk that is semi-rigid but does not teach the use of pins and flexible, deformable grommets to connect the upper disk (1) to the disk mount of the machine. As may be seen in the marked up copy of Fig. 1 of the patent, the upper disk (1) is connected to the machine by a nut marked "Z" by the Applicant. This is a rigid connection that does not allow the upper disk to move relative to the disk mount. Furthermore, the connection between the rigid and semi-rigid disks is also inflexible in that the drive pin 8 which secures the rigid and semi-rigid disks together is held in place by a screw nut 9. Applicant submits that the sponge material of the backing disk is what provides flexibility to this device. There is no teaching or suggestion of the use of pins associated with flexible, deformable grommets in this reference. Applicant therefore respectfully submits that claim 15 is not obvious and requests the withdrawal of the rejection of this claim under 35 U.S.C. 103(a).

**Applicant has added new claims 24-28.** Claims 24-27 depend from claim 1, which claim Applicant respectfully submits is allowable for the reasons set out previously. These claims further define the structure of the connection mechanism of

the device. New independent claim 28 includes the limitation of a flexible connection mechanism that connects the resurfacing disk to the machine. Applicant submits that the prior art of record shows a rigid connection between the resurfacing disk and the machine, in that all the cited references show the disk being connected to the disk mount by way of a nut. Applicant respectfully submits that claim 28 distinguishes over the prior art and is consequently allowable.

Respectfully submitted at Canton, Ohio this 13<sup>th</sup> day of June, 2005.

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Enclosure - Marked up copy of Fig. 6 of Biasoni  
Marked up copy of Fig. 1 of Brennecke